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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 RAYMOND A. FORSMAN,

7 Plaintiff,

8 v.

9 PORT OF SEATTLE, et al.,

10 Defendants.

Case No. C23-1394-RSM

ORDER OF DISMISSAL

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13 *Pro se* Plaintiff Raymond Forsman has been granted leave to proceed *in forma pauperis*
14 in this matter. Dkt. #5. The Complaint was posted on the docket on September 19, 2023. Dkt.
15 #6. Summons have not yet been issued.

16 Plaintiff Forsman brings this case against Defendants the Port of Seattle and managers
17 Ray Giometti and K. Lyles. *Id.* at 2. All parties are residents of Western Washington. *Id.* at 1–
18 2. Plaintiff's form Complaint has a section for "Basis of Jurisdiction;" it was left blank. *Id.* at
19 3. The factual circumstances of this case are stated briefly in a couple of handwritten
20 sentences: "Loss of income because port managers had conspiracy agreement to not allow
21 registration of skiff all other tenants allowed to do.... Crime fraud exception. Thru [sic]
22 freedom of information I uncovered proof of conspiracy & fraudulent billing and having Port
23 Attorney J. Culumeber [sic] unwittingly submit false statement." *Id.* at 5 (emphasis in
24 original). Plaintiff seeks \$959,000 in requested relief. *Id.* Plaintiff attaches 19 pages of
25 exhibits. The first page is a letter to the judge detailing Plaintiff's allegations. Dkt. #6-1 at 1–
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1 2. At one point Plaintiff states, “[o]riginal complaints of cv-19-02050-RSL and cv-21-867-
2 RSM were dismissed with prejudice however untrue statements submitted by Port of Seattle
3 attorney J Culumber of KBM Lawyers were known to be false by Port of Seattle managers
4 supplying information.” *Id.* at 1.

5 Two years ago, in a prior case, this Court granted a Motion to Dismiss filed by the Port
6 of Seattle. *See* Case No. 21-cv-867-RSM Dkt. #15. At that point, the Court was told,
7 “Plaintiff’s current Amended Complaint (Dkt. 3) is approximately the eighth separate
8 complaint he has filed against the Port of Seattle and its employees/attorneys across the course
9 of three separate lawsuits.... The current Amended Complaint addresses the same facts, and
10 makes the same allegations, as all of the prior complaints, each of which have been dismissed
11 with prejudice.” *Id.* (citing Case No. 2:19-cv-02050-RSL and Case No. 2:20-cv-01266-RSL).
12 Back then Plaintiff acknowledged and cited to those cases, as he does again in this case.
13 Plaintiff is aware that he is filing new lawsuits raising the same issues against the same
14 Defendants after his claims were dismissed with prejudice.

15 Under the doctrine of res judicata, “a final judgment on the merits bars further claims by
16 parties or their privies based on the same cause of action.” *United States v. Bhatia*, 545 F.3d
17 757, 759 (9th Cir. 2008) (quoting *Montana v. United States*, 440 U.S. 147, 153, 99 S. Ct. 970,
18 59 L.Ed.2d 210 (1979)). Disallowed claims include both those that were raised and those that
19 “could have been raised in the prior action.” *W. Radio Servs. Co. v. Glickman*, 123 F.3d 1189,
20 1192 (9th Cir.1997). The doctrine applies where there is (1) an identity of claims, (2) a final
21 judgment on the merits, and (3) identity or privity between parties. *Tritz v. U.S. Postal Serv.*,
22 721 F.3d 1133, 1141 (9th Cir. 2013) (citing *Glickman*, 123 F.3d at 1192). A dismissal with
23 prejudice under Federal Rule of Civil Procedure 12(b)(6) is considered a “final judgment on the
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1 merits.” *Federated Dep’t Stores v. Moitie*, 452 U.S. 394, 399, 101 S. Ct. 2424, 69 L. Ed. 2d
2 103 (1981); *Classic Auto Refinishing, Inc. v. Marino*, 181 F.3d 1142 (9th Cir.1999).

3 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises
4 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from
5 such relief. *See* 28 U.S.C. § 1915(e)(2)(B).

6 Plaintiff’s Complaint fails to adequately state causes of action, or to address the obvious
7 and known issue of *res judicata*, or to state a basis for this Court’s jurisdiction, or to include
8 enough details to state a claim upon which relief can be granted. The Court finds it impossible
9 for Plaintiff to amend his complaint to correct these deficiencies while remaining consistent
10 with the allegations and procedural history. As such, immediate dismissal under 28 U.S.C. §
11 1915(e)(2)(B) is warranted. If Plaintiff believes there is a legal basis to seek relief in his first
12 case based on fraud or new evidence, he should carefully review the Federal Rules of Civil
13 Procedure and consider filing an appropriate motion in that first case.

14 Accordingly, the Court hereby FINDS and ORDERS that this case is DISMISSED with
15 prejudice. This case is CLOSED.

16 DATED this 20th day of September, 2023.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE